

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In the Matter of)

AUG 30 1999

Numbering Resource Optimization)

CC Docket No. 99-200
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Connecticut Department of Public Utility Control)
Petition for Rulemaking to Amend the Commission's)
Rule Prohibiting Technology-Specific or Service-)
Specific Area Code Overlays)

RM No. 9258

Massachusetts Department of Telecommunications)
and Energy Petition for Waiver to Implement a)
Technology-Specific Overlay in the)
508, 617, 781, and 987 Area Codes)

NSD File No. L-99-17

California Public Utilities Commission and the)
People of the State of California Petition for)
Waiver to Implement a Technology-Specific or)
Service-Specific Area Code)

NSD File No. L-99-36

To: The Commission

**REPLY COMMENTS OF THE
COMPETITIVE TELECOMMUNICATIONS ASSOCIATION**

The Competitive Telecommunications Association ("CompTel"), by its attorneys, hereby respectfully submits its reply comments on the FCC's *Notice of Proposed Rulemaking* in the above-captioned proceeding.¹ With approximately 350 members, CompTel is the principal industry association representing U.S., international and global competitive telecommunications companies and their suppliers. CompTel is also a member of the North American Numbering Council ("NANC"). Accordingly, CompTel has a direct interest in this proceeding.

¹ *Numbering Resource Optimization et al.*, Notice of Proposed Rulemaking, CC Docket No. 99-200, RM No. 9258, NSD File No. L-99-17 & NSD File No. L-99-36 (rel. June 2, 1999) ("*NPRM*").

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I. THE COMMISSION SHOULD NOT DELEGATE ANY AUTHORITY TO THE STATES THAT WOULD INTERFERE WITH UNIFORM NATIONAL GUIDELINES FOR NUMBER ADMINISTRATION AND OPTIMIZATION

CompTel agrees with the overwhelming majority of comments that uniform national rules and guidelines must govern numbering administration and optimization.² In the Telecommunications Act of 1996, Congress granted the Commission exclusive jurisdiction over numbering administration in the United States,³ recognizing that “ensuring fair and impartial access to numbering resources is a critical component of encouraging a robustly competitive telecommunications market in the United States.”⁴

The Commission has repeatedly recognized the importance of having a strong and uniform national numbering policy. For example, the Commission explained in its *Pennsylvania Order* that:

“A nationwide, uniform system of numbering is essential to the efficient delivery of telecommunications services in the United States Substantial social and economic costs would result if the uniformity of the North American Numbering Plan were compromised by states imposing varying and inconsistent regimes for number conservation and area code relief. Such inconsistency could interfere with, or even prevent, the routing of calls in the United States. The lack of uniformity could hamper the industry’s efforts to forecast and plan properly for exhaust of the North

² See, e.g., Ad Hoc Telecommunications Users Committee Comments at 3-4; Airtouch Comments at 2-3, 11-14; ALTS Comments at 3; Ameritech Comments at 8, 55; AT&T Comments at 5-11; Bell Atlantic Comments at 12-13; BellSouth Comments at 4-6; Choice One and GST Comments at 2-3; CTIA Comments at 6-7; GTE Comments at 29-30; Level 3 Comments at 8-10; Nextel Comments at 5-9; NEXTLINK Comments at 3-4, 12-13; MCI WorldCom Comments at 45-47; Omnipoint Comments at 2-5; PageNet Comments at 2; PCIA Comments at 8-15; RCN Comments at 7-8; Sprint Comments at 6; Time Warner Comments at 4-5; US West Comments at 2-3, 6-7, 16-17; USTA Comments at 6, 14-15; Voicestream Comments at 7-8; WinStar Comments at 4-6, 21-25.

³ 47 U.S.C. § 251(e)(1).

⁴ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 11 FCC Rcd 19392, 19508 (1996) (“Local Competition Second Report and Order”), *vacated in part sub nom. California v. FCC*, 124 F.3d 934 (8th Cir. 1997), *reversed in part sub nom., AT&T Corp. v. Iowa Utilities Bd.*, 119 S. Ct. 721 (1999).

American Numbering Plan, and therefore ultimately could accelerate unnecessarily the introduction of a new nationwide numbering plan. Introduction of a new plan would mean costly upgrades to accommodate a new dialing scheme that would be confusing to consumers.”⁵

The Commission concluded that it should work together with the states and industry “to bring about as quickly as possible national methods to conserve and promote efficient use of numbers *that do not undermine that uniform system of numbering.*”⁶

As the comments demonstrate, there is nearly unanimous industry support for the continued need for a uniform national system of numbering.⁷ Different numbering requirements for each state, no matter how well suited for that particular state, would impede number conservation efforts, inhibit competition, and ultimately harm consumers. Even if the states eventually adopted consistent requirements, the resources expended by carriers, consumers and the states themselves in duplicative rulemaking proceedings would represent another type of failure: the squandering of time and money. The more money carriers are forced to waste in duplicative numbering proceedings, the less money they can invest in new facilities and expansion into new markets. Needless resources are also wasted when individual states require carriers to respond to special numbering data requests. Many states, including Illinois, Massachusetts, Pennsylvania, Tennessee and Texas, have required carriers to respond to special data requests. For these reasons, even complete “success” at the state level would mean absolute

⁵ *Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717*, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd. 19009, ¶ 21 (1998).

⁶ *Id.* (emphasis added).

⁷ See footnote 2.

failure for everyone – the states, carriers, and most of all, consumers. Therefore, it is crucial that the Commission maintain a federal numbering regime.

CompTel urges the Commission not to yield to state pressure for more authority over numbering administration. Any action that limits or restricts federal control over numbering administration would interfere with the establishment of a uniform national numbering policy and standards. A balkanized numbering system would needlessly impede the free flow of interstate commerce and, therefore, harm the further development of telecommunications competition. Once the Commission delegates authority to the states, it will be difficult as a practical matter (though legally possible) to rescind the delegation if the delegation is later found to be inconsistent with the uniform national numbering rules and guidelines that the Commission adopts in this proceeding. Even limited grants of additional authority, such as temporary delegations of authority that sunset when a final order is adopted in this proceeding, could seriously harm numbering optimization efforts. Accordingly, the Commission should not delegate any additional authority to states over numbering issues that would interfere with implementation of uniform national rules and guidelines for numbering administration and optimization. Rather, the Commission must take a leadership role in developing uniform national number optimization and administration policies, and ensuring that North American Numbering Plan (“NANP”) resources are utilized efficiently.

II. THE COMMISSION SHOULD CREATE INCENTIVES FOR STATES TO IMPLEMENT FURTHER RATE CENTER CONSOLIDATION

CompTel believes that rate center consolidation is one of the most effective, least disruptive, and easy to implement numbering optimization measures. The majority of commenters share CompTel's belief.⁸ Currently when a competitive local exchange carrier ("CLEC") enters a market, it must obtain codes in each and every rate center so that it can compete with the incumbent local exchange carrier ("ILEC") and other CLECs in the market. Each rate center that is eliminated through consolidation, reduces the amount of codes that a CLEC needs to compete effectively, which not only reduces the demand on numbering resources but can also lower barriers to market entry. Each time a carrier enters a market before rate centers in that market have been consolidated to the greatest extent possible, an opportunity to optimize numbering utilization is needlessly lost. Therefore, CompTel urges the Commission to move quickly to ensure that rate centers have been consolidated to the greatest extent possible throughout the nation.

The Commission has already granted states the authority to consolidate rate centers. The Commission should now provide guidance to the states by requiring state commissions to give rate center consolidation priority over less effective and more onerous

⁸ See, e.g., Ad Hoc Telecommunications Users Committee Comments at 16-17; Airtouch Comments at 4-8; ALTS Comments at 8, 20-22; AT&T Comments at 33-35; BellSouth Comments at 7, 20-21; Cablevision Lightpath Comments at 7; CBT Comments at 9-10; Colorado PUC Comments at 8-11; Connect Comments at iv, 14-15; Cox Comments at 10-13; CTIA Comments at 18-22; GTE Comments at 33-35; Level 3 Comments at 11-12; Liberty Comments at 3-4; MCI WorldCom Comments at 21-24, Attch. 1; Michael A. Sullivan Comments at 3-4; Nextel Comments at 12-16; NEXTLINK Comments at 5-9; Omnipoint Comments at 5-14, 18; PageNet Comments at 3-5; PCIA Comments at 16-18; PrimeCo Comments at 5-6; Qwest Comments at 2-3; RCN Comments at 10-12; SBC Comments at 105-106; Sprint Comments at 2-5, 21-22; Time Warner Comments at 10-14; Voicestream Comments at 22-23; WinStar Comments at 11-15.

forms of number optimization. This would not require the Commission to micro-manage the consolidation of rate centers on a state-by-state basis. For example, the Commission should at least require that where multiple rate centers currently serve a local calling area, the state must consolidate all of the rate centers into one rate center before the state can implement other forms of number optimization.

In its guidelines on rate center consolidation, the Commission must clarify that the states do not have the authority to split rate centers under any circumstance. A few states, including Arizona, Minnesota and New York, have split rate centers while implementing area code relief in the form of a geographic split. Splitting rate centers defies logic because it leads to the stranding of numbers and thus the inefficient utilization of numbering resources. Splitting rate centers also creates unnecessary costs and causes technical difficulties. Moreover, it increases the number of rate centers that new entrants must request, which exacerbates numbering exhaust. In fact, there is no justification for splitting rate centers, because there is no benefit to be gained from splitting rate centers. Consequently, CompTel urges the Commission to clarify that the states do not have the authority to split rate centers under any circumstances.


CONCLUSION

For the foregoing reasons, CompTel urges the Commission not to delegate any authority to the states that would interfere with uniform national guidelines for number administration and optimization, and to create incentives for states to implement further rate center consolidation.

Respectfully submitted,

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